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| Notice of Allowability | Application No. | Applicant(s) | |
| | 09/786,553 | LAPAILLE ET AL. | |
| | Examiner | Art Unit | |
| | Jason M. Perilla | 2634 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed May 3, 2005.
2. ☒ The allowed claim(s) is/are 1, 2, 4-8, 11, 14, and 15, renumbered as claims 1-10.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 20050518.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date <u>5/18/05</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. Claims 1, 2, 4-8, 11, 14, and 15 are pending in the instant application.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Christopher R. Lipp (41157) on May, 18, 2005.

The application has been amended as follows:

In the specification, before the "BACKGROUND OF THE INVENTION TITLE" insert the following paragraph:

This application is the national phase of international application PCT/FR00/01943 filed July 6, 2000 which claims priority to French application 99 08 842 filed July 8, 1999.

Regarding claim 1, in line 9, "measurements for" is replaced by –measurement samples for--, in lines 9-10, "number of measurement samples" is replaced by –number of the noise power measurement samples--, in line 10, "which is sufficiently short" is replaced by –wherein the predetermined period is sufficiently short--, line 14 is replaced

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in its entirety by $-\hat{x}_i = (1 - \alpha)\tilde{x}_i + \alpha\hat{x}_{i-1}$ --, and, in line 12, "filter is used filter" is replaced by --filter is used to filter--.

Regarding claim 5, in line 2, "the measurement" is replaced by --the noise power measurement--.

Regarding claim 6, in lines 1-2, "the distribution" is replaced by --the statistical distribution--.

Regarding claim 7, in line 2, "the distribution" is replaced by --the statistical distribution--, and, in line 2, "the predetermined" is replaced by --a predetermined--.

Regarding claim 14, in line 2, "cells are received" is replaced by --cells of the digital signal are received--.

Regarding claim 15, in lines 1-2, "the signal-to-noise ratio" is stricken.

Claims 1, 2, 4-8, 11, 14, and 15, are renumbered as claims 1-10, and the claim dependency is renumbered accordingly.

3. The proposed drawing changes submitted May 3, 2005 are accepted by the Examiner. However, "replacement drawing sheets" for the proposed changes are required before the payment of the issue fee.

Allowable Subject Matter

4. Claims 1, 2, 4-8, 11, 14, and 15, renumbered as claims 1-10 are allowed.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Perilla whose telephone number is (571) 272-3055. The examiner can normally be reached on M-F 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on (571) 272-3056. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason M. Perilla
May 18, 2005

jmp


CHIEH M. FAN
PRIMARY EXAMINER